

Remarks

Claims 1-79 are pending in the application, claim 79 having been added by this amendment. Claims 7, 9-13, 20, 22-26, 36, and 38-78 are withdrawn and claims 27-35 and 37 are allowed or indicated allowable, leaving claims 1-6, 8, 14-19, and 21 at issue.

Applicants respectfully traverse the rejection of claims 1-3, 8, 14-16, and 21 as anticipated by Green.

Claim 1, as amended, and claims 2-6, and 8 dependent thereon, recite “a hollow stem in fluid communication with the valve and having a first wall portion extending from the container body to and contiguous with a second wall portion wherein the second wall portion is tapered and extends toward a reduced diameter tip terminating in an exterior end that has at least one side opening therethrough wherein the valve is actuatable to dispense product through the side opening and wherein the first wall portion is non-tapered and lacks any side openings.”

Claim 14 as amended, and thus, claims 15-19, 21, and 79 dependent thereon recite a hollow stem having “a first tapered sealing surface disposed intermediate the side opening and the container body” and further recite “a coupling member having a second sealing surface that seals against the first sealing surface forming a continuous seal that prohibits flow of product past the seal.”

Green fails to disclose or suggest a hollow stem having a non-tapered wall portion lacking side openings extending to and contiguous with a tapered wall portion as specified by claims 1-6 and 8.

Green also fails to disclose or suggest a container having a hollow stem in combination with a coupling member of a dispensing apparatus wherein the stem includes a first tapered sealing surface disposed intermediate a container body and a side opening and wherein the coupling member has a second sealing surface that seals against the first tapered sealing surface, forming a continuous seal that prohibits flow of product past the seal as recited by claims 14-19, 21, and 79.

Green discloses, in FIG. 4 thereof, a spray button housing a valve stem. The valve stem includes an opening 37 disposed on an end thereof, and the valve stem further includes an opening 38 disposed on the side of the valve stem in a non-tapered wall. Relative to

claims 1-6 and 8, Green does not show a first non-tapered wall portion lacking side openings contiguous with a second tapered wall portion as recited by these claims.

Green shows in FIG. 4 thereof a wall of the spray button in contact with a tapered wall of the valve stem. However, this wall includes a channel 42 such that there is no continuous seal that prohibits flow of product as specified by claims 14-19, 21, and 79.

Because Green fails to disclose each and every element specified by the aforementioned claims, it follows that such claims are not anticipated thereby. In addition, Green fails to disclose or suggest that it would be desirable or even possible to provide the recited non-tapered first wall portion contiguous with a second tapered wall portion extending to a reduced diameter tip as recited by claims 1-6 and 8 or a continuous seal as recited by claims 14-19, 21, and 79, and hence these claims are not rendered obvious by Green. *See In re Sernaker*, 217, U.S.P.Q. 1 (Fed. Cir. 1983); *Ex Parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985), which provides that the prior art must disclose at least a suggestion of an incentive for the claimed combination of elements in order for a *prima facie* case of obviousness to be established.

Applicants further traverse the rejection of claims 4-6 and 17-19 as obvious over Green in combination with FR Patent No. 1,099,584 (hereinafter "the French '584 patent").

Claim 4-6 specify, in part, a reduced diameter tip extending from a tapered wall portion that is contiguous with a non-tapered wall portion as claimed.

Claims 17-19 recite, in part, a coupling member having a second sealing surface that seals against a first sealing surface of the stem forming a continuous seal that prohibits flow of product past the seal and further recite a non-tapered wall portion lacking side openings as claimed.

There is no suggestion in Green or the French '584 patent of a reduced diameter tip that extends from a tapered wall portion contiguous with and extending from a non-tapered wall portion lacking side openings as recited by claims 4-6.

There is also no suggestion in Green or the French '584 patent of the complementary tapered sealing surfaces and the continuous seal as specified by claims 17-19.


The French '584 patent discloses a valve stem having a crenellated end, but there is no reduced diameter tip, nor a reduced diameter tip extending from a tapered wall portion. (This is perhaps best seen in FIGS. 2 and 3.)

The recited reduced diameter tip of the present invention in combination with the other features of claims 4-6 (e.g., the non-tapered wall portion lacking any side openings and contiguous with the tapered second wall portion) are an advantage over the prior art because the particular recited combination of features allow the claimed stem to optimally supply a dispensing apparatus of the type disclosed in the present application. Referring to FIG. 26 of the present application, the illustrated reduced diameter tip enables insertion of the stem into the chamber 230, and the tapered surface 244 provides effective sealing against the surface 246, thereby preventing product from flowing out of the chamber 230 toward the body of the container. The lack of side openings in the wall portion 206 directs product flow through the side opening 210, and thus into the chamber 230.

There is no motivation to combine features of the French '584 patent with Green to arrive at the claimed invention. In this regard, the valve stem disclosed in Green is designed to fit the receptacle shown in Green, and the valve stem in the French '584 patent is designed to fit the receptacle therein. Therefore, there would be no motivation to modify the valve stem of Green with a feature of the French '584 patent (or vice-versa) to supply a coupling assembly of the type shown in FIG. 26 of the present application. As noted above, the prior art must disclose at least a suggestion of an incentive for the claimed combination of elements in order for a *prima facie* case of obviousness to be established. See *In re Sernaker and Ex Parte Clapp, supra*. Because the cited references (individually or collectively) do not teach or suggest a desire or even a possibility for the particular and advantageous combination of claimed features, it follows that there is no suggestion of an incentive and that the claims at issue are not obvious thereover.

Respectfully submitted,

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